

Regulatory Impact Report

Program Air Pollution Control Program

Rule number 10 CSR 10-6.075 Rule title Maximum Achievable Control Technology Regulations

Type of rule New Amendment Rescission Emergency

Nature of the rule

Affects environmental conditions Prescribes environmental standards

Administrative Other conditions

Submitted by _____ Date _____
Leanne Tippet Mosby, APCP Program Director

Review and approval

Legal Counsel _____ Date _____

Division Director _____ Date _____
James D. Werner, ALPD Director

1. What is the purpose of this proposed rulemaking?

The purpose of this rulemaking is to amend one of three state regulations that are updated yearly to incorporate by reference federal air toxics regulations promulgated or amended during the prior year. This rulemaking amends 10 CSR 10-6.075 to incorporate 40 CFR part 63 subparts. Once the regulations are incorporated by reference, the Missouri Department of Natural Resources' Air Pollution Control Program will request delegation of enforcement authority from the U.S. Environmental Protection Agency (EPA). Yearly updates to these three regulations are an EPA requirement to approve the state's authority to administer its Title V permits program.

2. Why is the rulemaking being proposed now?

This is a yearly update required for this regulation. The timing is dependent upon the publication date of the Code of Federal Regulations (CFR).

3. Is this rule or rule amendment an adoption of federal mandates without variance?

_____ Yes

 X No

4. What authority does DNR have to carry out this rulemaking?

The DNR has the following authorities to carry out this rulemaking:

643.050, Powers and duties of commission, provides the commission shall have the power to adopt, promulgate, amend and repeal rules and regulations consistent with the general intent and purposes of sections 643.010 to 643.190, RSMo and chapter 536, RSMo.

643.055, Commission may adopt rules for compliance with federal law, provides the commission shall have authority to promulgate rules and regulations to establish standards and guidelines to ensure the state is in compliance with the provisions of the federal Clean Air Act. The state is prohibited from being stricter than the federal Clean Air Act except for nonattainment and maintenance areas.

5. What does the rulemaking require and how does it produce benefits?

This rulemaking adopts eighteen (18) new 40 CFR part 63 subparts that were promulgated during the prior year, and includes amendments made to previously adopted subparts. New subparts include the following source categories: Municipal Solid Waste Landfills; Paper and Other Web Coating; Surface Coating of Large Appliances; Printing, Coating, and Dyeing of Fabrics and Other Textiles; Surface Coating of Wood Building Products; Surface Coating of Metal Furniture; Reinforced Plastic Composites Production; Rubber Tire Manufacturing; Semiconductor Manufacturing; Pushing, Quenching, and Battery Stacks; Asphalt Processing and Asphalt Roofing Manufacturing; Integrated Iron and Steel Manufacturing Facilities; Brick and Structural Clay Products Manufacturing; Clay Ceramics Manufacturing; Flexible Polyurethane Foam Fabrication Operations; Hydrochloric Acid Production; Engine Test Cells/Standards; and Friction Materials Manufacturing Facilities. The entities potentially affected by the federal rulemaking did not change with this state rulemaking.

6. Does this rulemaking qualify as an emergency rulemaking under Section 536.025.1 RSMO?

_____ Yes

 X No

7. Were any assumptions made while developing the rulemaking?

This rulemaking assumes that all costs of compliance for industry were incurred as a result of the federal rulemaking.

8. Who is most likely affected by the rulemaking?

Entities potentially regulated by this action are those that own and/or operate facilities that operate any of the listed source categories under question 5.

9. What are the probable costs for the department or any other agency in the implementation and enforcement of the rulemaking?

The probable costs for the department, including local agencies and regional offices is expected to be less than \$500 per year.

10. Does this proposed rulemaking have an impact on small businesses? A small business is a for profit enterprise with fewer than 50 full or part-time employees.

_____ Yes

 X No

11. Does this proposed rulemaking substantially codify existing federal or state law?

 X Yes

_____ No

11a. How did the department involve small businesses in the development of the proposed rule?

Not applicable.

11b. What are the probable monetary costs and benefits to the department and other agencies directly affected including the estimated total amount the department expects to collect from any additionally imposed fees and the manner in which the moneys will be used, if such costs are capable of determination?

Not applicable.

11c. Describe the small businesses that will be required to comply with the proposed rule and how they may be adversely affected. This does not need to be done in cases where the department has filed a fiscal note that complies with all of the provision of section 536.205.

Not applicable.

11d. Provide the dollar amount the increase in the level of direct costs, such as fees or administrative penalties, and indirect costs such as reporting, record keeping, equipment, construction, labor, professional services, revenue less or other costs associated with compliance if such costs are capable of determination. This does not need to be done in cases where the department has filed a fiscal note that complies with all of the provision of section 536.205.

Not applicable.

12. Does the rulemaking have any anticipated effect on state revenue?

No, this amendment is administrative in nature. No change in tasks or fees will result from adoption of this rulemaking

13. Who was involved in developing the rulemaking?

EPA developed new subparts and promulgated them through a notice and comment rulemaking process.

14. How has the development of the rulemaking been shared with interested parties and the public at large?

The EPA amendment to the specific subpart was made available for review and comment prior to its promulgation. The adoption by reference of this amended subpart by the state will follow the established rulemaking process that includes publishing the Regulatory Impact Report and draft rule text on the program website, publishing the proposed amendment in the Missouri Register and concludes at the end of the public comment period.

15. Who may I contact to either ask questions or provide input on this rulemaking?

Questions and/or written comments can be sent to:
Chief, Operations Section
Missouri Department of Natural Resources
Air Pollution Control Program
PO Box 176
Jefferson City, MO 65102-0176

Or

Missouri Air Conservation Commission (MACC)
PO Box 176
Jefferson City, MO 65102-0176

Or call: (573) 751-4817

16. What is the draft schedule for this rulemaking?

The draft schedule for this rulemaking is:

Public Hearing-3/31/05; MACC Adoption-4/28/05; Effective Date-8/30/05

Complete these additional questions for rulemaking affecting environmental conditions or standards as part of the Regulatory Impact Report.

17. What peer-reviewed, published or other scientific information was used to develop the rulemaking?

The only information used to develop this rulemaking was the final subparts promulgated in the Federal Register notices that included the federal rulemaking promulgation.

18. Are there any significant countervailing risks that may be caused by this rulemaking?

There are no significant countervailing risks caused by this rulemaking. However, failure to adopt this rule amendment could cause EPA to disallow the state operating permit program.

19. Are there other ways these public benefits could be obtained?

No, the public health benefits achieved through federal rulemaking must also be incorporated by reference into the code of state regulations. This insures enforcement authority is granted by EPA to the state.

20. Is there a less costly or less intrusive method to provide the public benefits provided in this proposed rule?

No, adopting by reference is the least costly and least obtrusive method for obtaining public health benefits.

21. What are the environmental and economic costs and benefits of the rulemaking?
Note: the official cost estimate will be included in the fiscal note published with the proposed rule in the Missouri Register.

The environmental costs and benefits of the rulemaking are lowered emissions achieved by providing alternative testing and monitoring compliance methods and by implementing new federal standards. The economic costs and benefits of the rulemaking are expected to be less than \$500 per year in the aggregate.

22. How can I provide formal comments on either the Regulatory Impact Report before the rule is provided to the Secretary of State?

Formal comments can be provided on either the Regulatory Impact Report or the proposed rulemaking by sending them to the contact listed under question 15 of this report, or during the public hearing that will be held on this rulemaking.

23. How can I get copies of the formal comments made on the Regulatory Impact Report?

Copies of formal comments made on either the Regulatory Impact Report or the draft rule text may be obtained by request from the contact listed under question 15 of this report or by accessing the Rules In Development section at website www.dnr.mo.gov/alpd/apcp/homeapcp.htm for this particular rulemaking.